

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Todd Nalley,)	C/A No.: 4:10-191-JFA-TER
)	
Plaintiff,)	
v.)	ORDER
)	
Michael J. Astrue,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This matter is before the court upon motion of the plaintiff's counsel, Carole M. Dennison, for attorney fees pursuant to the Equal Access to Justice Act, (EAJA) 28 U.S.C. § 2412. The Commissioner has responded noting that he will not oppose the petition for attorney fees. As a result, the Commissioner agrees to pay plaintiff \$5,100 (which represents 34 hours x \$150 per hour) of legal services performed by his attorney.

Upon review of the material submitted to the court, the plaintiff's motion for attorney fees is granted.

Payment of the fees and expenses noted herein shall constitute a complete release from and bar to any and all claims plaintiff may have relating to EAJA fees in connection with this action. This award is without prejudice to the right of plaintiff to seek attorney fees under Section 206(b) of the Social Security Act, subject to the offset provisions of the EAJA. Further, the award of fees should be made payable to plaintiff. *See Stephens ex rel. R.E. v. Astrue*, 565 F.3d 131 (4th Cir. 2009).

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

October 20, 2010
Columbia, South Carolina